

**18-20-040 Disturbing the Peace While Intoxicated**

It is unlawful for any person to create a disturbance or nuisance in a public or private place while under the influence of alcohol if said disturbance or nuisance interrupts another in the quiet enjoyment (appropriate to time and place) of public or private property.

**18-30 Vehicles and Alcohol****18-30-010 Vehicles and Open Containers**

It is unlawful to use, consume or possess any open bottle, can, package or container of alcoholic beverage in any part of a motor vehicle with access available to the driver or passengers while such vehicle is moving. An open container shall be any container with the seal broken that is not completely empty.

**18-40 Selling Liquor, Special Permits****18-40-010 Selling Liquor**

Except as set forth in 18-40-020, Special Permits, below, it shall be unlawful to sell alcoholic beverages by the glass, bottle, can or package except on the premises of a business operated by the Yerington Paiute Tribe.

**18-40-020 Special Permits**

The Tribal Council may issue and sell special permits to private individuals or groups who have applied for such a permit, for the public sale and consumption of beer and wine within certain particularly defined areas for special occasions.

**18-50 Punishment, Bail, Civil****Protective Custody, Impound****18-50-010 Punishment**

(a) Any Indian who violates any provision of this Title shall be deemed guilty of a Class A offense. All periods of jail time whether mandatory or discretionary, imposed relative to an offense for intoxicating beverages, may be substituted day for day by placement in a residential treatment center.

(b) Any Non-Indian who violates any provision of this Title shall be referred to the State of Nevada and/or Federal Law Enforcement authorities for prosecution under applicable law.

**18-50-020 Bail**

The minimum bail for any offense under this Title is \$500.00.

**18-50-030 Civil Protective Custody**

(a) Assuming a person is not committing any offense under this Title (eg. public consumption, disturbing the peace) then it shall not be unlawful to merely appear in a public or private place in an intoxicated condition.

(b) However, except as provided in subsection (f), any person shall be placed under civil protective custody by a peace officer, if found in a public or

private place under the influence of alcohol in such a condition that he is unable to exercise care for his own health or safety or the health or safety of others for whom the person is responsible and where no one else is present to insure such health or safety of the person or others.

(c) A peace officer may use upon such person such force as would be lawful if he were effecting an arrest.

(d) If a licensed facility for treatment of alcohol abusers exists for convenient use of the Yerington Paiute Tribe, any such Indian person shall be taken there. If no such facility exists the person shall be placed in the jail facility used by the Yerington Paiute Tribe for the person's own health and safety. Placement shall be until the person is not under the influence of alcohol or a period not less than 12 hours, except that the person may not be kept against his will for longer than 72 hours.

(e) The placement of such Indian person in civil protective custody shall be recorded at the facility or jail to which he is delivered and communicated at the earliest practical time to his family or next of kin if they can be located.

(f) The provisions of this section shall not apply to any driver arrested for the offense of operating a vehicle under the influence of alcoholic beverage.

(g) Any Non-Indian person taken into civil protective custody shall be referred to the State of Nevada and/or Federal Law Enforcement authorities or any other agency of the State of Nevada which would have authority to receive and/or assist such a person had said person taken into civil protective custody under the laws of the State of Nevada.

Dated: October 19, 1995.

Ada E. Deer,

*Assistant Secretary—Indian Affairs.*

[FR Doc. 95-27102 Filed 10-31-95; 8:45 am]

**BILLING CODE 4310-02-P**

**Bureau of Land Management**

**[NM-070-1430-01; NMNM95192]**

**Notice of Right-of-Way Application; New Mexico**

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice Correction.

**SUMMARY:** This is a correction of a Notice for a right-of-way application from El Paso Natural Gas Company, serialized as NMNM95192. The legal description in the notice placed in the Federal Register/Vol. 60, NO. 183/

Thursday, September 21, 1995/page 49004 should read.

New Mexico Principal Meridian

T. 24 N., R. 13 W.,

Sec. 30, Lot 4, E $\frac{1}{2}$ SW $\frac{1}{4}$ .

Dated: October 19, 1995.

Ilyse K. Gold,

*Acting Assistant District Manager for Resources.*

[FR Doc. 95-27042 Filed 10-31-95; 8:45 am]

**BILLING CODE 4310-FB-M**

**[NM-017-1430-01; NMNM 94897]**

**Notice of Proposed Withdrawal and Public Meeting; New Mexico**

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

**SUMMARY:** The Bureau of Indian Affairs (BIA) proposes to withdraw 13,150 acres of public land to allow for uses beneficial to the Navajo Nation and Zuni Pueblo. The proposed withdrawal would also provide protection of sites having cultural, historical, religious, geological and archaeological significance to the Navajo Nation and Zuni Pueblo. This notice closes the land for up to 2 years from surface entry and mining. The land will remain open to mineral leasing.

**DATES:** Comments must be received by January 30, 1996. In addition to written comments, a public meeting will be held on December 13, 1995.

**ADDRESSES:** Comments should be sent to the Albuquerque District Manager, BLM, 435 Montano Road NE., Albuquerque, New Mexico 87107.

**FOR FURTHER INFORMATION CONTACT:**

Debby Lucero, BLM, Rio Puerco Resource Area Office, 435 Montano Road NE., Albuquerque, New Mexico 87107, (505) 761-8787.

**PUBLIC MEETING:** The public is invited to attend a meeting to identify issues to be considered in connection with the proposed withdrawal. The meeting will take place on Wednesday, December 13, 1995, beginning at 7:00 p.m. in the auditorium of the J.F. Kennedy Middle School, 600 Boardman, Gallup, New Mexico.

**SUPPLEMENTARY INFORMATION:** On October 25, 1995, a petition was approved allowing the BIA to file an application to withdraw the following described land from settlement, sale, location, or entry under the general land laws including the mining laws but not from the mineral leasing laws or Indian laws, subject to valid existing rights:

New Mexico Principal Meridian

*Area No. 1*

Fort Wingate Depot Activity, Gallup, New Mexico

A tract of land situated in McKinley County, New Mexico, being more particularly described as follows:

Beginning at a point that bears N. 25°28'41" E., a distance of 4,408.36 feet from the Northeast corner, Section 9, Township 13 North, Range 17 West of the New Mexico Principal Meridian;

Thence N. 1°45'16" W., 14,465.4 ft.;  
Thence S. 82°37'55" E., 383.75 ft.;  
Thence N. 45°22'28" E., 354.95 ft.;  
Thence S. 31°48'26" E., 1,910.96 ft.;  
Thence S. 87°10'22" E., 532.14 ft.;  
Thence N. 77°54'19" E. 234.87 ft.;  
Thence N. 33°50'6" E., 359.43 ft.;  
Thence S. 59°5'2" E., 676.88 ft.;  
Thence S. 71°26'15" E., 1,865.41 ft.;  
Thence N. 26°12'19" E., 2,570.64 ft.;  
Thence N. 0°39'23" E., 2,004.72 ft.;  
Thence N. 89°47'7" E., 8,759.88 ft.;  
Thence S. 2°41'45" E., 16,392.76 ft.;  
Thence S. 88°33'11" W., 15,201.65 ft. to the point of beginning, containing an unsurveyed area of 5,250 acres, more or less.

All bearings and distances are planimetric projections based on U.S. Geological Survey Maps and drawing C-1, Real Property Requirements—Site Map, Ballistic Missile Defense Organization, dated 3-17-94. This description should be considered subject to correction by survey.

*Area No. 2*

Fort Wingate Depot Activity, Gallup, New Mexico

A tract of land situated in McKinley County, New Mexico, being more particularly described as follows:

Beginning at a point that bears S. 8°8'28" E., a distance of 22,782.22 feet from the Southeast corner, Section 9, Township 15 North, Range 17 West of the New Mexico Principal Meridian;

Thence N. 0°7'25" W., 11,676.9 ft.;  
Thence N. 90° E., 12,108.5 ft.;  
Thence S. 46°13'27" E., 1,791.1 ft.;  
Thence S. 44°54'31" W., 1,365.4 ft.;  
Thence S. 10°58'13" W., 1,465.4 ft.;  
Thence S. 72°8'57" W., 2,665.0 ft.;  
Thence N. 60°16'14" W., 1,898.7 ft.;  
Thence S. 34°26'46" W., 8,207.4 ft.;  
Thence S. 15°51'47" W., 1,391.6 ft.;  
Thence S. 89°02'11" W., 2,926.3 ft. to the point of beginning, containing an unsurveyed area of 2,043 acres, more or less.

All bearings and distances are planimetric projections based on U.S. Geological Survey Maps and drawing C-1, Real Property Requirements—Site Map, Ballistic Missile Defense Organization, dated 3-17-94. This description should be considered subject to correction by survey.

*Area No. 3—Cantonment Area*

Fort Wingate Depot Activity, Gallup, New Mexico

A tract of land situated in McKinley County, New Mexico, being more particularly described as follows:

Beginning at a point that bears S. 68°24' E., a distance of 13,649.15 feet from the Southeast corner, Section 9, Township 15 North, Range 17 West of the New Mexico Principal Meridian;

Thence S. 60°13'36" E., 1,265.55 ft.;  
Thence S. 0°0'0" E., 1,016.24 ft.;  
Thence S. 71°11'54" E., 1,692.37 ft.;  
Thence S. 22°35'33" W., 1,853.16 ft.;  
Thence N. 67°36'10" W., 1,237.77 ft.;  
Thence N. 26°39'53" W., 2,108.23 ft.;  
Thence N. 00°00'00" E., 667.65 ft., a line common to BMDO Radar/Optics Site #2;  
Thence N. 06°37'15" E., 883.67 ft. to the point of beginning, containing an unsurveyed area of 120 acres, more or less.

All bearings and distances are planimetric projections based on U.S. Geological Survey Maps and drawing C-1, Real Property Requirements—Site Map, Ballistic Missile Defense Organization, dated 3-17-94. This description should be considered subject to correction by survey.

*Area No. 4*

Fort Wingate Depot Activity, Gallup, New Mexico

Two tracts of land, totaling 5,739± acres, situated in McKinley County, New Mexico, being more particularly described as follows:

*Tract 1—Bunker "D" Area*

Beginning at a point that bears S. 37°49'12" E., a distance of 18,224.48 feet from the Southeast corner, Section 9, Township 15 North, Range 17 West of the New Mexico Principal Meridian;

Thence S. 60°16'14" E., 1,898.74 ft., a line common to Area No. 2;  
Thence N. 69°8'55" E., 2,714.48 ft., a line common to Area No. 2;  
Thence S. 3°10'41" W., 3,202.92 ft.;  
Thence S. 72°46'30" W., 4,686.48 ft.;  
Thence N. 51°36'57" W., 1,038.25 ft.;  
Thence S. 41°41'41" W., 764.52 ft.;  
Thence N. 54°38'39" W., 1,029.06 ft.;  
Thence N. 34°02'58" E., 4,697.19 ft. to the point of beginning, containing an unsurveyed area of 451 acres, more or less.

*Tract 2—Unallocated Remainder Area*

Beginning at a point that bears S. 74°38'26" E., a distance of 2,687.86 feet from the Southeast corner, Section 9, Township 15 North, Range 17 West of the New Mexico Principal Meridian;

Thence S. 85°18'00" E., 6,636.68 ft.;  
Thence S. 71°16'54" E., 18,233.26 ft.;  
Thence N. 19°53'37" E., 448.34 ft.;  
Thence S. 71°15'19" E., 1,235.34 ft.;  
Thence S. 21°02'45" E., 2,549.49 ft.;  
Thence S. 03°58'43" W., 2,659.78 ft.;  
Thence S. 11°12'47" W., 3,235.14 ft.;  
Thence S. 19°05'08" W., 2,255.71 ft.;  
Thence S. 01°36'33" W., 1,810.91 ft.;

Thence N. 90°00'00" E., 76.28 ft.;  
Thence S. 09°58'15" E., 881.09 ft.;  
Thence S. 88°16'06" W., 1,628.45 ft.;  
Thence S. 58°37'31" W., 6,523.73 ft.;  
Thence N. 32°46'39" W., 1,503.30 ft.;  
Thence N. 14°22'55" E., 1,945.81 ft.;  
Thence N. 79°03'44" E., 3,393.33 ft.;  
Thence N. 54°56'38" E., 2,547.53 ft.;  
Thence N. 14°38'35" E., 1,408.95 ft.;  
Thence S. 82°38'59" W., 2,128.50 ft.;  
Thence N. 35°17'51" W., 3,036.98 ft.;  
Thence S. 86°55'24" W., 916.88 ft.;  
Thence N. 69°02'44" W., 1,525.16 ft.;  
Thence N. 46°54'22" W., 3,447.97 ft.;  
Thence S. 46°05'23" W., 358.35 ft.;  
Thence N. 46°13'44" W., 1,791.52 ft.;  
Thence S. 90°00'00" W., 12,108.52 ft.;  
Thence N. 02°03'44" W., 9,105.28 ft.;  
Thence S. 86°57'48" E., 7,029.20 ft.;  
Thence S. 84°15'40" E., 1,238.57 ft.;  
Thence N. 67°30'23" W., 1,361.36 ft.;  
Thence N. 74°54'26" W., 1,237.95 ft.;  
Thence N. 88°02'22" W., 5,802.06 ft.;

Thence N. 28°28'09" W., 590.61 ft. to the point of beginning, containing an unsurveyed gross area of 5,793 acres, more or less, with exception of: a 299 acre, more or less, site designated for BMDO Radar/Optics Site #2; a 120 acre, more or less, site designated as the original Cantonment Area; and, approximately 19,000 lineal feet of 200-foot wide road/utility right of way using about 88 acres. The exceptions are described as:

*BMDO Radar/Optics Site #2 (Exception)*

Beginning at a point that bears S. 38°32'26" E., a distance of 7,598.92 feet from the Southeast corner, Section 9, Township 15 North, Range 17 West of the New Mexico Principal Meridian;

Thence N. 59°49'57" E., 2,510.3 ft.;  
Thence S. 88°46'08" E., 5,755.5 ft.;  
Thence S. 06°37'15" W., 1,095.5 ft.;  
Thence S. 00°00'00" E., 667.6 ft.;  
Thence S. 90°00'00" W., 7,772.9 ft.;  
Thence N. 02°20'13" W., 618.5 ft. to the point of beginning, containing an unsurveyed area of 299 acres, more or less.

*Cantonment Area (Exception) Land Previously Transferred as Area No. 3*

Beginning at a point that bears S. 68°24' E., a distance of 13,649.15 feet from the Southeast corner, Section 9, Township 15 North, Range 17 West of the New Mexico Principal Meridian;

Thence S. 60°13'36" E., 1,265.55 ft.;  
Thence S. 0°0'0" E., 1,016.24 ft.;  
Thence S. 71°11'54" E., 1,692.37 ft.;  
Thence S. 22°35'33" W., 1,853.16 ft.;  
Thence N. 67°36'10" W., 1,237.77 ft.;  
Thence N. 26°39'53" W., 2,108.23 ft.;  
Thence N. 00°00'00" E., 667.65 ft.;  
Thence N. 06°37'15" E., 883.67 ft. to the point of beginning, containing an unsurveyed area of 120 acres, more or less.

*Road/Utility Right of Way (Exceptions) (Main Entrance Road)*

100 ft. on each side of centerlines described as beginning at a point on the northern military reservation boundary known as the traditional Main Entrance Road that bears S. 77°04'52" E., a distance of 16,263.20 feet from the Southeast corner, Section 9, Township 15 North, Range 17 West of the New Mexico Principal Meridian;

Thence S. 18°58'59" W., 4,376.63 ft.;

Thence S. 23°12'51" W., 1,484.17 ft.;

Thence S. 45°29'10" E., 4,101.73 ft.;

Less approximately 1,855 ft. passing through the Cantonment Area.

(Utility Row #1)

50 ft. on each side of centerlines described as beginning at a point that bears S. 21°40'01" W., 826.96 ft. from the beginning point of the Main Entrance road;

Thence S. 71°12'02" E., 1,692.58 ft.;

Thence S. 20°13'16" W., 5,812.64 ft.

(Radar/Optics Site #2 Road)

50 ft. on each side of centerlines described as beginning at a point that bears S. 20°05'16" W., 2,666.29 ft. from the beginning point of the Main Entrance road;

Thence N. 61°40'03" W., 2,455.85 ft.

(Utility Row #2)

50 ft. on each side of centerlines described as beginning at a point that bears S. 19°07'14" W., 3,804.88 ft. from the beginning point of the Main Entrance road;

Thence S. 68°32'05" E., 1,557.76 ft.

All bearings and distances are planimetric projections based on U.S. Geological Survey Maps and drawing C-1, Real Property Requirements—Site Map, Ballistic Missile Defense Organization, dated 3-17-94. This description should be considered subject to correction by survey.

The purpose of the proposed withdrawal is to enable the Bureau of Indian Affairs to allow use of the improvements and land for the purposes described in the summary above.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the Albuquerque District Manager of the Bureau of Land Management.

The application will be processed in accordance with the regulations set forth in 43 CFR part 2300.

For a period of 2 years from the date of publication of this notice in the Federal Register, the land will be segregated as specified above unless the application is denied or canceled or the withdrawal is approved prior to that date. No temporary uses will be permitted during this segregative period except as specified in the Memorandum of Agreement between the Navajo Nation and Zuni Pueblo for the benefit and use of their respective people. The environmental cleanup actions by the Department of the Army and TPL, Inc. are not affected by the segregation.

The temporary segregation of the land in connection with a withdrawal application or proposal shall not affect administrative

jurisdiction over the land, and the segregation shall not have the effect of authorizing any use of the land by the Bureau of Indian Affairs.

Dated: October 26, 1995.

Charna R. Lefton,

Acting District Manager.

[FR Doc. 95-27057 Filed 10-31-95; 8:45 am]

BILLING CODE 4310-FB-P

## Fish and Wildlife Service

### Availability of an Environmental Assessment (EA) and Receipt of an Application for an Incidental Take Permit (ITP) for the Red-Cockaded Woodpecker (RCW) by Potlatch Corporation for Timber Harvesting and Management in Calhoun, Cleveland, and Bradley Counties in South-Central Arkansas

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

**SUMMARY:** Potlatch Corporation (Applicant) is seeking an ITP from the Fish and Wildlife Service (Service), pursuant to Section 10(a)(1)(B) of the Endangered Species Act (Act), as amended. The permit would authorize the take of the red-cockaded woodpecker (*Picoides borealis*), an endangered species, in Calhoun, Cleveland, and Bradley Counties in south-central Arkansas, for a period of 30 years. The proposed incidental take would be the inadvertent harvest of an unknown RCW cavity tree during forest management on land owned by the Applicant or other privately owned land where the Applicant has purchased timber.

The Service also announces the availability of a habitat conservation plan (HCP) and EA. The Applicant's HCP describes conservation measures that will be taken to avoid accidentally harvesting cavity trees. Also, the HCP delineates other measures to conserve cavity trees, cavity tree clusters, and RCW foraging habitat. The EA prepared by the Service describes the environmental consequences of issuing or denying the ITP. As stated in the EA, the Service proposes to issue the requested permit. This proposal is based on a preliminary determination that the Applicant has satisfied the requirements for permit issuance and that the HCP provides conservation benefits to RCWs that exceed the impact of inadvertently harvesting cavity trees. Copies of the EA and HCP may be obtained by making a written request to the Regional Office [See ADDRESSES below]. This notice is provided pursuant to Section 10(c) of

the Act and National Environmental Policy Act Regulations (40 CFR 1506.6).

**DATES:** Written comments on the permit application, EA, and HCP should be received on or before December 1, 1995.

**ADDRESSES:** Persons wishing to review the application, HCP, and EA may obtain a copy by writing the Service's Southeast Regional Office, Atlanta, Georgia. Requests for the documents must be in writing to be processed. Documents will also be available for public inspection by appointment during normal business hours at the Regional Office, or the Jackson, Mississippi, Field Office. Written data or comments concerning the application, EA, or HCP should be submitted to the Regional Office. Please reference permit under PRT-807952 in such comments:

Regional Permit Coordinator, U.S. Fish and Wildlife Service, 1875 Century Boulevard, Suite 200, Atlanta, Georgia 30345 (404-679-7110, fax 404-679-7081)

Field Supervisor, U.S. Fish and Wildlife Service, 6578 Dogwood View Parkway, Suite A, Jackson, Mississippi 39213 (601-965-4900, fax 601-965-4340)

**FOR FURTHER INFORMATION CONTACT:** Will McDearman, Jackson, Mississippi, Field Office or Rick Gooch at the Atlanta, Georgia, Regional Office.

**SUPPLEMENTARY INFORMATION:** Section 9 of the Endangered Species Act (Act), and implementing regulations, prohibits the take of RCWs. Take, in part, is defined as an activity that kills, injures, harms, or harasses a listed endangered or threatened species. Section 10(a)(1)(B) of the Act provides an exemption, under certain circumstances, to the Section 9 prohibition if the taking is incidental to, and not the purpose of otherwise lawful activities.

The RCW is the only woodpecker in North America that excavates its roosting and nesting cavities in live pine trees. Cavities are located in heartwood that is usually infected and softened by the red-heart fungus (*Phellinus pini*). Mature trees usually 80 or more years old are typically selected for cavities because the heartwood is sufficiently large for a cavity and the incidence of red-heart fungus is greater in older trees. RCWs do not excavate and place cavities in sapwood.

RCWs are non-migratory, territorial, and live in family units that are called groups. A group usually consists of a breeding pair, offspring of the current year, and one or more male helpers that are offspring from previous years. Each bird has a roost cavity that, collectively,